

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

**OAKWOOD LABORATORIES,
L.L.C.,**

Plaintiff,

V.

DR. BAGAVATHIKANUN THANOO,
et al.,

Defendants.

Case No.: 3:17-cv-05090-PGS-LHG

Judge Peter G. Sheridan
Magistrate Judge Lois H. Goodman
Special Master Mark Falk

ORDER SEALING DOCUMENTS

THIS MATTER having come before the Court on the Parties’ Joint Motion to Seal (“Sealing Motion”) (ECF No. 153) for the entry of an Order, pursuant to Local Civil Rules 5.3(c) and 7.1, permitting Defendants, Dr. Bagavathikanun Thanoo, Auromedics Pharma LLC, Aurobindo Pharma U.S.A., Inc., and Aurobindo Pharma Ltd. (collectively, “Defendants”) to seal certain portions of Defendants’ Memorandum of Law in Support of its Motion to Compel Compliance with Subpoena *Duces Tecum* to Third-Party PharmaSophia LLC (ECF No. 148), with Exhibits 1 and 3 through 9 (ECF Nos. 148-1, 148-3 thru 148-9), and the Reply Brief in Support of Defendants’ Motion to Compel Compliance with Subpoena *Duces Tecum* to Third-Party PharmaSophia, LLC (ECF No. 152); and the Court having considered the submissions of the Parties in support of the Sealing Motion (ECF

Nos. 153-1 thru 153-5), including the Index required by Local Civil Rule 5.3(c)(3); and no opposition to the Sealing Motion having been filed; the Special Master makes the following findings of fact and conclusions of law:

(a) the Discovery Confidentiality Order in this case was entered on February 22, 2022 (ECF No. 113) (“Confidentiality Order”).

(b) portions of Defendants’ Memorandum of Law in Support of their Motion to Compel Compliance with Subpoena *Duces Tecum* to Third-Party PharmaSophia LLC (ECF No. 148), with Exhibits 1 and 3 through 9 (ECF 148-1, 148-3 thru 148-9), and the Reply Brief in Support of Defendants’ Motion to Compel Compliance with Subpoena *Duces Tecum* to Third-Party PharmaSophia, LLC (ECF No. 152) (collectively, “Filings”), quote, summarize, reference, and/or reflect information designated by Defendants as “Confidential” pursuant to the Confidentiality Order (the “Confidential Information”).

(c) the Confidential Information quoted, summarized, referenced, and/or reflected in the Filings contains (a) trade secrets, competitively sensitive, technical, marketing, financial, sales, or other confidential business information or customer information; and/or (b) private or confidential personal information.

(d) Defendants have a legitimate interest in protecting as confidential the Confidential Information they designated as such and that competitors in the

marketplace could utilize the Confidential Information to gain an unfair competitive advantage to Defendants' detriment.

(e) the interests of the public that warrant entry of an Order to Seal as to the Filings include the interest of not burdening litigants' access to the Court by requiring public disclosure of valuable confidential information as a condition of litigating their rights.

(f) the clearly defined and serious injury that would result should an Order to Seal the Filings not be entered is that valuable business and trade secrets created at substantial expense by one or more parties will be lost and competitors would unjustly gain access to them. Specifically, a party's confidential business information would be revealed to its competitors and these competitors would unjustly gain the ability to thwart, anticipate, or usurp those plans and strategies to the competitors' advantage and the party's loss.

(g) no less restrictive alternative is available to prevent the defined and serious injury to Defendants because the redactions to the public version of the Filings will be tailored and limited to redact only the most sensitive information quoted and/or discussed therein.

(h) Defendants have complied with the requirements set forth in Local Civil Rule 5.3.

THEREFORE, IT IS on this **3rd** day of **January, 2023**;

ORDERED that the Sealing Motion be and hereby is **GRANTED**; and

IT IS FURTHER ORDERED that the Filings at ECF Nos. 148, ECF 148-1, 148-3 thru 148-9, and 152 shall be maintained under seal by the Clerk of the Court based on the foregoing findings of fact and conclusions of law; and

IT IS FURTHER ORDERED that Defendants shall file within seven (7) days of the entry of this Order a redacted version of the Filings that redacts those portions that quote, summarize, reference, and/or reflect the Confidential Information described in the Index submitted with the Sealing Motion.

/s/ Mark Falk
Mark Falk, Special Master

Date: January 3, 2023